

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries and Accounts Department — Sri K.Ramchander, formerly ATO, Divisional Sub Treasury, Bodhan and presently working as Assistant Director, O/o Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad – Departmental Proceedings - Imposition of punishment of withholding of one annual grade increment without cumulative effect - Reviewed – Punishment dropped - Orders - Issued.

FINANCE (ADMN.I) DEPARTMENT

G.O.Rt.No. 2110

Dated: 22-04-2010.

Read the following:

1. DTA Proceedings. No. K (I) 1/6465/2003, dt:27-05-2006.
2. Appeal Petition of Sri K.Ramchander, formerly ATO, Sub Treasury, Bodhan, dated 26-07-2006.
3. G.O.Rt.No.2055, Finance (Admn.I.Vig) Dept, dt: 16-04-2008.
4. Review Petition of Sri K.Ramchander, formerly ATO, Sub Treasury, Bodhan, presently working as Assistant Director, O/o. Director of Treasuries and Accounts, dated 22-01-2009.
5. DTA Lr.No.K (I) 1/12477/2006, dt: 24-02-2009.

In the reference 1st read above, the Director of Treasuries and Accounts has imposed a punishment of withholding of one Annual Grade Increment with cumulative effect in the departmental proceedings initiated against him based on the surprise check proceedings of the Anti Corruption Bureau on the Sub Treasury, Bodhan on 31.03.2003. The following charge was framed against him:

“that Sri K.Ramchander, while functioning as Assistant Treasury Officer, Divisional Sub Treasury Officer, Bodhan of Nizamabad District from 19.12.2002 to 31.03.2003 had committed grave misconduct in as much as and was found in possession of undeclared amount of Rs.620/- and allowed an un-authorized persons Sri N.Kiran pension writer to discharge official duties in their office and not maintaining the office records properly. Thus Sri K.Ramchander, ATO, has exhibited negligence of duties and thereby violated the provisions of APCS (Conduct) Rules, 1964”

2. In the reference, 2nd read above, Sri K.Ramachander, has preferred an appeal petition to the Government. The Government after consideration of the contentions of the petitioner, has allowed the appeal petition partly and reduced the punishment to that of withholding of one Annual Grade Increment without cumulative effect vide G.O.Rt.No.2055, Finance (Admn.I.Vig) Dept, dt:16-04-2008.

3. In the reference 3rd read above, Sri K.Ramchander, Assistant Director has preferred a review petition for exonerating him from the charges as was done in the case of Sri N.Narahari Reddy, STO, Sub Treasury Narsapur, Medak District, in respect of whom the punishment imposed was set aside on a review, by treating it as new material evidence and in view of the orders issued by the Government in G.O.Ms.No.200, General Administration (Services.C) Department dated 26.03.2007, wherein the personnel cash declaration was restricted to those who directly deal with cash transactions.

4. The DTA has informed that as per the provisions contained in Rule 41 of APCS (CC &A) Rules, 1991 the Government can exercise the powers of review of punishment on a reference from Head of Department when any new material evidence which could not be produced at the time of passing the orders under review. It is a fact that, the issue of cash declaration has been reviewed by the Government and confined it only to those Government servants who deal with cash transactions and, the petitioner at the time of incidence was not handling any kind of cash transactions and as ATO, he was the head of the office. A perusal of the appellate orders vide G.O.Rt.No.2055, Fin (Admn.I.Vig) Dept, dt:16-04-08, reveal that the above said G.O. was not taken into account at the time of disposal of his appeal. Similarly, the above said G.O.Rt.No.3295, Finance (Admn-III) Department dtd.06-08-2008, is consequent to the orders of the appellate authority and it can be taken as new material for undertaking review. Therefore, the DTA has requested to undertake a review of the orders in the said G.O.Rt.No.2055, Finance (Admn.I.Vig) Dept., dated 16-04-08 of the appellate authority and issue necessary orders.

5. Government after careful consideration of the review petition and the material on record observed that the first part of the charge is that he was found in possession of Rs.620/- and not declared in the cash declaration register. The Charged Officer in his explanation stated in the instructions contained in Govt.Memo.No.59756-B/A1/AdmnI/2000 Date-04-07-2002 there was no mention of declaring the cash by the head of office as there were no precedent cases of Assistant Treasury Officers declaring cash in any of the Sub Treasuries. The inquiry officer felt that there was room for doubt as for the cash declaration by the Assistant Treasury Officer also or by subordinate staff only. On the other hand he had suggested that the charged officer should have taken pains to secure the earlier Govt., Memo. dt: 04-12-1987 or sought for clarification to clear off his doubt. The second part of the charge was that he had allowed an unauthorized person Sri N.Kiran Kumar to discharge official duties in the Sub Treasury Office. The Charged Officer explained that the said Sri N.Kiran Kumar had come to the Sub Treasury to obtain enfacement of Challan No. that he had not attended to any official work. When he was produced as defense witness, the Presenting Officer & Inquiry Officer could not elicit any thing in the support of the charge on cross-examination as prescribed in Rule 20 (14) of APCS (C.C.A) Rules. He could not have watched the moment of the person who visited the Sub Treasury by sitting in his room from where there is no vision of the staff room.

6. Government have issued orders confining the declaration of cash only to those Government servants who deal with cash transactions vide G.O Ms.No.200, General Administration (Ser.C) Department dated 26-3-2007 and Memo.No.830/56/A1/Admn.1/2003, Finance (Admn.1) Department, dated 30-4-2007. Government in a similar case of non declaration of personal cash against Sri N.Narahari Reddy, STO, Sub-Treasury, Narsapur in Medak District, set aside the punishment awarded by the DTA on appeal vide G.O.Rt.No.3295, Finance (Admn.III) Department, dated: 06-08-2008 considering the orders issued by the Government confining the declaration of cash only to those Government servants who deal with the cash transactions.

7. Further, Government have also dropped further action against the employees of PAO, Hyderabad who were found undeclared cash during the surprise check of ACB vide G.O.Rt.No.419, 420 and 422, Finance (Admn.III) Department, dated 04-02-2008 and Treasury employees of the District Treasury, Kadapa who were found possessing excess cash more than the amount declared in cash declaration register during the surprise check of ACB keeping in view of the orders issued by the Government **confining the declaration of cash only to those Government servants who deal with cash transactions vide G.O Ms.No.200, General Administration (Ser.C) Department dated 26-3-2007 read with the Government Memo.No.830/56/A1/Admn.1/2003 dated 30-4-2007 of Finance (Admn.1) Department.**

8. Government, after careful consideration of the matter and circumstances reported by the DTA and keeping in view of the orders issued vide G.O. Ms.No.200, General Administration (Ser.C) Department dated 26-3-2007 and instructions issued in Memo.No.830/56/A1/Admn.1/2003 dated 30-4-2007 of Finance (Admn.I) Department confining the declaration of cash only to those Government servants who dealt with cash transactions and other similar cases wherein the Government have dropped action against the Charged Officers on similar charges, hereby drop the charge and set aside the punishment imposed against Sri K.Ramchander, formerly ATO, Sub Treasury, Bodhan, presently working as Assistant Director, O/o Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

9. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHMANYAM
PRL. SECRETARY TO GOVERNMENT**

To
The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.
The Director of Treasuries & Accounts, A.P., Hyderabad.
Copy to Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER